

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Mikayla Cheyenne Savage,
Plaintiff,

V.

Harris County, Texas; Sheriff Ed Gonzales, in his official capacity; Detention Officer Arnoldo Martinez, in his individual capacity; Detention Officer Andrew Rada, in his individual capacity; Administrative Operations Officer Danika Mathews, in her individual capacity; Detention Officer Ozalynn Lozano, in his individual capacity; Detention Officer Trucell Lagarde, in her individual capacity; Detention Officer Taylor Hodges, in his individual capacity; Detention Officer Gloria Ezeoke, in her individual capacity; Law Enforcement Officer Michael Thomas, in his individual capacity; Law Enforcement Officer Lakisha Cheatham, in her individual capacity; and Detention Officer Marilyn John, her individual capacity.

Defendants.

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CIVIL ACTION NO. 4:24-cv-00666

**DEFENDANT GLORIA EZEOKÉ'S ANSWER TO PLAINTIFF'S
THIRD AMENDED COMPLAINT**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Defendant Gloria Ezeoke (“Defendant” or “Ezeoke”) files her answer, defenses, and affirmative defenses to Plaintiff’s Third Amended Complaint (“Complaint”) [Doc. #155]. In support of said answer, defenses, and affirmative defenses to Plaintiff’s Third Amended Complaint, Defendant would respectfully show this Court as follows:

I. ANSWER TO THIRD AMENDED COMPLAINT

1. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 1, and on that basis, denies the allegations in this paragraph.
2. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 2, and on that basis, denies the allegations in this paragraph.
3. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 3, and on that basis, denies the allegations in this paragraph.
4. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 4, and on that basis, denies the allegations in this paragraph.
5. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 5, and on that basis, denies the allegations in this paragraph.
6. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 6, and on that basis, denies the allegations in this paragraph.
7. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 7, and on that basis, denies the allegations in this paragraph.
8. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 8, and on that basis, denies the allegations in this paragraph.
9. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 9, and on that basis, denies the allegations in this paragraph.
10. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 10, and on that basis, denies the allegations in this paragraph.
11. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 11, and on that basis, denies the allegations in this paragraph.

12. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 12, and on that basis, denies the allegations in this paragraph.

II. JURISDICTION

13. The allegations in this paragraph of the complaint are conclusions of law and of the pleader, and as such, requires no response. To the extent a response is required, Defendant Ezeoke admits that the statutes cited are jurisdiction conferring statutes but deny any inference that the Plaintiff's constitutional or common law rights were violated.

14. The allegations in this paragraph of the complaint are conclusions of law and of the pleader, and as such, requires no response. To the extent a response is required, Defendant Ezeoke admits that the statutes cited are jurisdiction conferring statutes but deny any inference that the Plaintiff's constitutional or common law rights were violated.

15. The allegations in this paragraph of the complaint are conclusions of law and of the pleader, and as such, requires no response. To the extent a response is required, Defendant Ezeoke admits that venue is proper in this Court.

III. PARTIES

16. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

17. Defendant Ezeoke admits Harris County is a municipal corporation organized under the laws of Texas and the Harris County Sheriff's Office is a division of Harris County that operates the jail. Defendant Ezeoke admits Sheriff Gonzalez oversees the jail. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph, and on that basis, denies the remaining allegations in this paragraph.

18. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 18, and on that basis, denies the allegations in this paragraph

19. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 19, and on that basis, denies the allegations in this paragraph.

20. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 20, and on that basis, denies the allegations in this paragraph.

21. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 21, and on that basis, denies the allegations in this paragraph.

22. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 22, and on that basis, denies the allegations in this paragraph.

23. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 23, and on that basis, denies the allegations in this paragraph.

24. Ezeoke Admits the allegations in paragraph 24.

25. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 25, and on that basis, denies the allegations in this paragraph.

26. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 26, and on that basis, denies the allegations in this paragraph.

27. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 27, and on that basis, denies the allegations in this paragraph.

28. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 28, and on that basis, denies the allegations in this paragraph.

29. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 29, and on that basis, denies the allegations in this paragraph.

IV. FACTUAL ALLEGATIONS

30. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 30, and on that basis, denies the allegations in this paragraph.

31. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

32. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

33. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

34. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

35. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

36. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

37. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

38. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

39. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

40. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

41. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

42. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

43. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

44. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

45. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

46. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

47. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

48. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

49. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

50. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

51. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

52. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

53. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

54. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

55. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

56. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

57. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

58. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

59. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

60. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

61. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

62. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

63. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

64. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

65. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

66. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

67. Defendant Ezeoke denies the allegations asserted against her in this paragraph.

68. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

69. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

70. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

71. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

72. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

73. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

74. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

75. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

76. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

77. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

78. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

79. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

80. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

81. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

82. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

83. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

84. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

85. Defendant Ezeoke admits the Plaintiff was in the care and custody of the Harris County Jail.

Defendant Ezeoke denies the remaining allegations alleged against him in this paragraph.

86. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

87. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

88. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

89. Defendant Ezeoke denies observing prisoners assault Plaintiff and that she did not intervene. Defendant Ezeoke further denies the allegation that she denied Plaintiff's access to medical care. Defendant Ezeoke denies being aware of any harm that Plaintiff alleges. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, and on that basis, denies those allegations in this paragraph.

90. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

91. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

92. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

93. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

94. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

95. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

96. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

97. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

98. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

99. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

100. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

101. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

102. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

103. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

104. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

105. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

106. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

107. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

108. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

109. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

110. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

111. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

112. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

113. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

114. Defendant Ezeoke lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

V. CLAIMS FOR RELIEF

COUNT I

Excessive Use of Force under the Fourteenth Amendment and 42 U.S.C. § 1983 Against Defendant Officer Arnoldo Martinez and Defendant Officer Andrew Rada

115. A response is not required to paragraph 115. However, to the extent a response is deemed necessary, Defendant Ezeoke incorporates her prior responses to this Complaint as if separately set forth.

116. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations

are not directed against this defendant.

117. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

118. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

119. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

120. This paragraph contains conclusions of law and of the pleader to which no response is required. To the extent a response is deemed necessary, Defendant Ezeoke denies allegations in this paragraph and denies she is liable to the Plaintiff in damages.

VI. COUNT II

Excessive Use of Force under the Fourteenth Amendment and 42 U.S.C. § 1983 Against Defendant Officer Arnoldo Martinez

121. A response is not required to paragraph 121. However, to the extent a response is deemed necessary, Defendant Ezeoke incorporates her prior responses to this Complaint as if separately set forth.

122. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

123. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

124. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

125. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

126. This paragraph contains conclusions of law and of the pleader to which no response is required. To the extent a response is deemed necessary, Defendant Ezeoke denies the allegations and denies she is liable to the Plaintiff in damages.

VII. COUNT III

Excessive Use of Force under the Fourteenth Amendment and 42 U.S.C. §1983 Against Defendant Harris County (*Monell* Liability)

127. A response is not required to paragraph 127. However, to the extent a response is deemed necessary, Defendant Ezeoke incorporates her prior responses to this Complaint as if separately set forth.

128. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

129. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

130. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

131. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

132. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

133. This paragraph contains conclusions of law and of the pleader to which no response is required. To the extent a response is deemed necessary, Defendant Ezeoke denies the allegations and denies she is liable to the Plaintiff in damages.

VIII. COUNT IV

Retaliation under the First Amendment and 42 U.S.C. §1983 Against Defendant Officer Arnoldo Martinez

134. A response is not required to paragraph 134. However, to the extent a response is deemed necessary, Defendant Ezeoke incorporates her prior responses to this Complaint as if separately set forth.

135. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

136. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

137. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

138. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

139. This paragraph contains conclusions of law and of the pleader to which no response is required. To the extent a response is deemed necessary, Defendant Ezeoke denies the allegations and denies she is liable to the Plaintiff in damages.

IX. COUNT V

Failure to Protect under the Fourteenth Amendment and 42 U.S.C. §1983 Against Defendant Officer Martinez, Defendant Officer Mathews, Defendant Officer Legarde, Defendant Officer Ezeoke, Defendant Officer Thomas, and Defendant Officer John, Defendant Officer Cheatham, Defendant Officer Hodges, and Defendant Officer Lozano

140. A response is not required to paragraph 140. However, to the extent a response is deemed necessary, Defendant Ezeoke incorporates her prior responses to this Complaint as if separately set forth.

141. Defendant Ezeoke denies that she observed or knew that Plaintiff was assaulted by other prisoners. Ezeoke further denies that she knew of and disregarded a substantial risk to Plaintiff's health and safety by failing to intervene acting with deliberate indifference. Any further allegations in this paragraph Ezeoke denies.

142. This paragraph contains conclusions of law and of the pleader to which no response is required. To the extent a response is deemed necessary, Defendant Ezeoke denies the allegations and denies she is liable to the Plaintiff in damages.

X. COUNT VI

Failure to Protect under the Fourteenth Amendment and 42 U.S.C. §1983 Against Defendant Harris County (*Monell* Liability)

143. A response is not required to paragraph 143. However, to the extent a response is deemed necessary, Defendant Ezeoke incorporates her prior responses to this Complaint as if separately set forth.

144. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

145. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

146. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

147. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

148. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

149. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

150. This paragraph contains conclusions of law and of the pleader to which no response is required. To the extent a response is deemed necessary, Defendant Ezeoke denies the allegations and denies she is liable to the Plaintiff in damages.

XI. COUNT VII

Unconstitutional Conditions of Confinement under the Fourteenth Amendment and 42 U.S.C. § 1983 Against Defendant Officer Lozano, Defendant Officer Lagarde, Defendant Officer Hodges, Defendant Offer Rada, and Defendant Officer Martinez

151. A response is not required to paragraph 151. However, to the extent a response is deemed necessary, Defendant Ezeoke incorporates her prior responses to this Complaint as if separately set forth.

152. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

153. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

154. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

155. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

156. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

157. This paragraph contains conclusions of law and of the pleader to which no response is required. To the extent a response is deemed necessary, Defendant Ezeoke denies the allegations and denies she is liable to the Plaintiff in damages.

XII. COUNT VIII

Unconstitutional Conditions of Confinement under the Fourteenth Amendment and 42 U.S.C. § 1983 Against Defendant Harris County (*Monell* Liability)

158. A response is not required to paragraph 158. However, to the extent a response is deemed necessary, Defendant Ezeoke incorporates her prior responses to this Complaint as if separately set forth.

159. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

160. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

161. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

162. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

163. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

164. This paragraph contains conclusions of law and of the pleader to which no response is required. To the extent a response is deemed necessary, Defendant Ezeoke denies the allegations and denies she is liable to the Plaintiff in damages.

XIII. COUNT IX

Unconstitutional Indifference under the Fourteenth Amendment and 42 U.S.C. § 1983 Against Defendant Harris County (*Monell* Liability)

165. A response is not required to paragraph 165. However, to the extent a response is deemed necessary, Defendant Ezeoke incorporates her prior responses to this Complaint as if separately set forth.

166. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

167. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

168. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

169. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

170. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

171. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

172. Defendant Ezeoke makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

173. This paragraph contains conclusions of law and of the pleader to which no response is required. To the extent a response is deemed necessary, Defendant Ezeoke denies the allegations and denies she is liable to the Plaintiff in damages.

174. Defendant Ezeoke makes no answer to paragraphs 174-184 of Plaintiff's Third Amended Complaint. The state law claims alleged in Plaintiff's Third Amended Complaint have been dismissed with prejudice by the Court as stated in the Court's Memorandum and Order (Dkt. 153) issued on June 17, 2025.

XIV. REQUEST FOR RELIEF

The Request for Relief paragraphs (1-5) are conclusions of law and of the pleader, and as such, require no response. To the extent a response is required, Defendant Ezeoke denies she is liable to the Plaintiff in damages.

XV. JURY DEMAND

Defendant Ezeoke admits Plaintiff demanded a trial by jury.

XVI. DEFENSES AND AFFIRMATIVE DEFENSES

Defendant Ezeoke asserts she is entitled to official and/or qualified immunity from suit and from damages because she acted without malice, without an intent to deprive Plaintiff of any clearly established rights, with a reasonable good faith belief that her actions were lawful, proper, and within as well as pursuant to the scope of his discretionary authority, and she did not violate clearly established law of which a reasonable person would have known.

Defendant Ezeoke asserts that Plaintiff's Third Amended Complaint fails to state a cause of action against Defendant Ezeoke upon which relief may be granted under the Texas Tort Claims Act. Defendant Ezeoke asserts the Plaintiff has failed to state an actionable claim against her, upon which relief may be granted under U.S. Constitution, 42 U.S.C. § 1983 because she is cloaked by official and/ or qualified immunity.

Defendant Ezeoke asserts that no deprivation of Plaintiff's state rights and/or federal rights occurred in connection with the incident made the basis of this lawsuit.

Defendant Ezeoke denies all allegations of wrongdoing, including but not limited to violations of common law, statutory and operational standards, negligence, deliberate indifference, and unconstitutional policy or custom.

If Plaintiff was injured or damaged as alleged, such injuries were the result of her own intentional, illegal, or otherwise wrongful conduct.

If the Plaintiff was injured and damaged as alleged in the complaint, such injuries and damages were the result of her own sole or contributory negligence and/or her assumption of risk.

If the Plaintiff was injured or damaged as alleged in the complaint, such injuries and damages were the result of a person or persons other than Defendant Ezeoke acting within the scope of her employment.

If the Plaintiff was injured or otherwise damaged as alleged in the complaint, such injuries and/or damages were the result of the Plaintiff's sole, joint, or concurring negligence with a person or persons other than the Defendant Ezeoke acting within the scope of employment.

The Plaintiff failed to mitigate damages.

The action is barred by the statute of limitations.

The Plaintiff failed to exhaust her administrative remedies per the PLRA and/or failed to comply with mandatory filing requirements.

The action may be barred by issue or claim preclusion or not yet have accrued.

XVII. JURY DEMAND

Defendant Ezeoke requests a trial by jury on all issues so triable.

XVIII. RESERVATION OF RIGHTS

Defendant Ezeoke reserves the right to rely on any other defenses which may become

available through further investigation or discovery, as well as the right to delete any defenses previously raised herein, or to amend any responses to demonstrate that there is no such basis for said defense or response to such allegation.

WHEREFORE, PREMISES CONSIDERED, Gloria Ezeoke requests that Plaintiff take nothing by this suit, that he recovers costs and all other relief that he may be entitled to in law and equity.

Date: July 7, 2025

Respectfully submitted,

CHRISTIAN D. MENEFE
HARRIS COUNTY ATTORNEY

JONATHAN G. C. FOMBONNE
DEPUTY COUNTY ATTORNEY AND FIRST
ASSISTANT

NATALIE G. DELUCA
MANAGING COUNSEL,
DEFENSIVE LITIGATION, EMPLOYMENT, &
REAL ESTATE DIVISIONS

By: /s/Veronica L. Jones
VERONICA L. JONES
Assistant County Attorney
ATTORNEY-IN-CHARGE
State Bar No. 24097902
Federal ID No. 3639763
Tel: (713) 274-5181 (direct)
Veronica.Jones@harriscountytexas.gov

OFFICE OF THE HARRIS COUNTY ATTORNEY
1019 Congress
Houston, Texas 77002
Attorney for Defendant Gloria Ezeoke

CERTIFICATE OF SERVICE

I certify that, pursuant to Federal Rules of Civil Procedure, a true copy of the instrument to which this certificate is attached was filed with the clerk of the court using CM/ECF system, which will send electronic notification for those listed of record who receive electronically filed documents.

/s/ Veronica L. Jones
Veronica L. Jones

